



MINUTES

**CITY OF SCOTTSDALE
JUDICIAL APPOINTMENTS ADVISORY BOARD
Thursday, December 15, 2011
PINNACLE TRAINING ROOM AT HUMAN RESOURCES
7575 EAST MAIN STREET
SCOTTSDALE, ARIZONA 85251**

PRESENT: Donald Alvarez, Vice Chairman
Judge Bruce Cohen, Board Member
Dr. Ira Ehrlich, Board Member
James Padish, Board Member
Francis Scanlon, Board Member
Kenneth Weingarten, Board Member

STAFF: Valerie Wegner
Judy Dewey
Sherry Scott
Terry Welker

OTHERS: Judge Thomas LeClaire, Board Member Appointee
Paul Rybarsyk, former Board Member

CALL TO ORDER

The meeting was called to order at 5:17 p.m.

ROLL CALL

A formal roll call confirmed the presence of a quorum as noted above.

1. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON SEPTEMBER 24, 2011

**BOARD MEMBER EHRLICH MOVED TO APPROVE THE MINUTES OF THE
SEPTEMBER 24, 2011 MEETING. BOARD MEMBER COHEN SECONDED. THE
MOTION CARRIED UNANIMOUSLY BY A VOTE OF SIX (6) TO ZERO (0).**

2. ACKNOWLEDGEMENT OF NEW BOARD MEMBERS

Vice Chair Alvarez welcomed new appointees Judge Thomas LeClaire and James Padish. He noted that Board Member Scanlon was reappointed.

Valerie Wegner noted that Judge LeClaire remained unsworn. While free to participate in Board discussions, he cannot vote until the next meeting.

3. ACKNOWLEDGEMENT OF OUTGOING BOARD MEMBERS

Vice Chair Alvarez thanked Paul Rybarsyk and Judge John Rea for their service to the Board.

4. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

BOARD MEMBER COHEN NOMINATED DONALD ALVAREZ TO BE THE CHAIR. BOARD MEMBER SCANLON SECONDED. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SIX (6) TO ZERO (0).

BOARD MEMBER WEINGARTEN NOMINATED JUDGE BRUCE COHEN TO BE THE VICE CHAIR. BOARD MEMBER SCANLON SECONDED. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SIX (6) TO ZERO (0).

5. DISCUSS ASSOCIATE CITY JUDGE APPOINTMENT PROCESS

Terry Welker, Human Resources Director, summarized the process of selecting an Associate City Judge. JAAB must interview at least six (6) candidates for the position, and recommend to City Council at least three (3) highly-qualified candidates for their consideration. He explained that the City has one open Associate City Judge position, because Associate City Judge Joseph Olcavage was appointed to be the new Presiding Judge effective in March, replacing retiring Judge B. Monte Morgan. A greater number of qualified candidates applied for this position than for the Presiding Judge position.

Mr. Welker said that once the list of candidates has been pared down to a manageable number, the Board will schedule interviews with them. Interviews are to be recorded and minutes taken, and City Council will review the recordings before holding their own interviews of the finalists. He noted that City Council publicly praised JAAB for their hard work and innovative use of recorded interviews. He encouraged the Board to focus on the candidates' knowledge, skills, and abilities, and to make their best judgment based on the applicants' backgrounds and qualifications. Candidates are not to be given preference due to their unique statuses within society.

Ms. Wegner presented a revised version of the timeline for the selection process. The interview session is scheduled for Saturday, January 7, 2012. City Council interviews may occur during the week of January 16 or 23. City Council could make an official appointment either the week of February 7 or 14. This timeline allows the Associate Judge to be in place by March 9, when Judge Olcavage assumes the Presiding Judge position.

Chair Alvarez said he was only able to review half of the applications because his information packet did not arrive in time. The other Board Members indicated that they

were able to review all the applications. Board Member Ehrlich suggested that each Board Member circle the candidates they would most be interested in interviewing. Board Member Cohen described the pool of applicants as exceptional. He suggested trying to identify whether any of the candidates have a clear consensus with the Board Members.

Chair Alvarez noted that some applicants call themselves pro tems when they are actually settlement conference judges who don't do actual courtroom work. Board Member Cohen explained that pro tems and settlement conference judges are often taken from the same list at the Superior Court. Just because they say they are pro tem, does not mean they actually put on the robe and conduct contested hearings. Judy Dewey noted that some applicants are pro tems of the Scottsdale Court, and therefore have to go through an interview process. City Council approves them in pools of about 25.

A list of all applicants was distributed and Board Members individually marked the candidates they were interested in interviewing.

The Board recessed from 5:45 p.m. to 6:01 p.m. as their selections were tallied by staff.

6. DETERMINE APPLICANTS TO BE INTERVIEWED FOR ASSOCIATE CITY JUDGE

Following the break, the Committee reviewed the candidates whose names appeared the greatest number of times on the tally list. The Board reached clear consensus on five (5) candidates. Chair Alvarez asked the Board to consider additional candidates from remaining pool, reiterating that the Board is required to interview at least six (6).

Board Member Cohen addressed the issue of citizens contacting individual Board Members to express their opinions on particular candidates. He felt it was incumbent upon Board Members to share that information with the rest of the Board. He does not consider the letters he personally receives to be part of the application process. The Board Members proceeded to discuss opinions shared by people outside the application process.

The Board narrowed the list of candidates to ten (10), and debated whether or not to reduce the number even further. Board Member Ehrlich felt there was little need for each interview to last as long as they did for the Presiding Judge position. Chair Alvarez agreed, since the candidates are not being questioned on their administrative experience. The Board selected candidates Charles Adornetto, Adena Astrowsky, Nicholas DiPiazza, Timothy Forchey, Statia Hendrix, Paul Katz, John Lamb, Manuel Silvas, Nancy Sorensen, and John Tutelman for interviews.

Chair Alvarez discussed due diligence assignments. Board Member Ehrlich questioned the need to conduct further due diligence on Nancy Sorensen and Judge John Lamb, since they have gone through that process recently. Chair Alvarez requested that the Board Members who did the due diligence on those two candidates prepare presentations for the benefit of the new Board Members. Due diligence responsibilities were assigned as follows:

- Chair Alvarez – Manuel Silvas and John Tutelman

- Vice Chair Cohen – Nancy Sorensen and Adena Astrowsky
- Board Member Ehrlich – John Lamb and Timothy Forchey
- Board Member LeClaire – Nicholas DiPiazza
- Board Member Padish – Charles Adornetto
- Board Member Scanlon – Paul Katz
- Board Member Weingarten – Statia Hendrix

Chair Alvarez explained that the due diligence process involves contacting each person listed on the applications, and talking to attorneys about further contacts who might be able to provide insight into the applicant's qualifications. The internet is a good source of information that can lead to additional contacts. Most contacts are willing to keep their comments open, but the Board will have the opportunity to move into executive session in the event that any of them have confidential information to share about an applicant. He said his questions tend to focus on the strengths and weaknesses of the applicants, and on any pertinent issues related to their careers.

7. FUTURE AGENDA ITEMS

Board Member Cohen commended the staff and the Board for the efficiency of the process in selecting a Presiding Judge. Board Member Ehrlich agreed, and suggested that interviews last only 25 minutes with a five-minute gap between each one. The Board agreed by consensus.

Ms. Wegner stated that an ethics refresher session is required for the first meeting in January, which will occur during the interview meeting. Chair Alvarez suggested that the meeting begin at 7:30 a.m. The first interview should begin at 8:30 a.m., leaving an hour for public comments and a discussion on due diligence. Board Member Cohen felt that it would make a substantial difference to schedule the public comment period for 8:00 a.m. instead of 7:30 a.m. If the Board is still in discussion at that time, they could simply reconvene afterwards to continue it.

Ms. Wegner reported that the next judicial term set to expire is Judge Jejna's in March of 2013. Judge Blake's term expires in October of 2013. The JAAB might want to meet in 2012 to discuss initiatives recommended by the previous Board. Mr. Welker noted two (2) outstanding items from past meetings: the development of an electronic surveying tool, and the recommendation for extended term limits. He advised against trying to mix issues, and instead focus on each issue until complete.

Ms. Scott stated that the Ordinance might require a Board election in January. Since the Board has already selected their officers, they could be asked to reaffirm their appointments at the next meeting.

ADJOURNMENT

With no further business to discuss, being duly moved and seconded, the meeting of the Judicial Appointments Advisory Board adjourned at 7:02 p.m.

Respectfully submitted,
Valerie Wegner
HR Management Analyst

Reviewed by,
Donald Alvarez
JAAB Vice Chairperson